IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.5038 OF 2005
IN
FIRST APPEAL NO.12 OF 1999

Jaybhavani Sahakari Upsa Jalsinchan
Sanstha Maryadit .. Applicant
V/s
Bank of India & Anr. .. Respondents

Ms.K.S.Kambli i/by Mr.V.M.Thorat for the Applicant.
Mrs.Swati Deshpande i/by M/s.Bodhanwala & Co. for the Respondent No.1.

CORAM: DR.S.RADHAKRISHNAN &
SMT.V.K.TAHILRAMANI, JJ.

DATE : 2.12.2005.

P.C.:

1. Rule. Rule is made returnable forthwith.

2. Heard the learned Counsel for the Applicant and the learned Counsel for Respondent No.1. None appears for Respondent No.2. The learned Counsel for the Applicant tenders affidavit of service with regard to Respondent No.2. The same is taken on record.

3. By this Civil Application the Applicant is seeking to recall the order dated 16.9.2004 whereby the Appeal was dismissed in default. Perused the Civil Application. For the reasons stated therein sufficient cause is made out for recalling the order of dismissal of the Appeal. There is no case of inaction, negligence or want of bonafide on the part of the Applicant. Civil Application is made absolute in terms of prayer clause (a).

(DR.S.RADHAKRISHNAN, J.)

(SMT.V.K.TAHILRAMANI, J.)